

REMARKS

Claims 5-9 and 12-15 were indicated to be allowable in the prior application but were objected to for dependence upon rejected base claims . The subject matter of these claims has been rewritten as new claim 1, 4 and 7 as presented herewith, together with the associated dependent claims.

The subject matter of claim 1, 11 and 12 as presented herewith was rejected in the prior application under 35 U.S.C. §103(a) as being unpatentable over Sparks '777 in view of Donaldson '068. This rejection is respectfully traversed.

These claims as amended now more specifically recite “forming an incision in the body of the patient to expose a femoral artery; extending upwardly through the incision toward the aorta an elongated surgical instrument including a lumen therein” or “forming an incision in the body of the patient below the inguinal ligament to expose the region between the inguinal ligament and the femoral artery for access upwardly toward the aorta”. In addition, dependent claim 12 is further limited by the specific recitation of “another end of the graft conduit is anastomosed to the femoral artery below the inguinal ligament”.

These aspects of the claimed method invention are not shown or suggested by the cited references considered in any combination. Specifically, Sparks '777 is understood to disclose femoral-to-(same) femoral arterial grafting, and more specifically even discloses *downward* force exerted on the tubular member from

above the inguinal ligament (Col. 3, lines 24-34) in clear contravention to the description and claim definition of the applicant's invention. And, although Donaldson '068 discloses bypass grafting from aorta to aorta (Figure 2) and aorta to femoral artery (Figure 3), the descriptions in this reference including in Columns 2 and 5-6 as cited by the Examiner are deficient in any disclosure of the particular procedural steps including upward access to the aorta from near the femoral artery (below the aorta) for forming an aortotomy and a graft anastomosis in the manner as claimed by applicant.

Thus, merely combining these references at best teach away from the applicant's claimed invention, and therefore do not establish a *prima facie* basis from which a proper determination of obviousness can be made. It is therefore respectfully submitted that claims 1, 11 and 12 as presented herewith are now patentably distinguishable over the cited art.

Reconsideration and allowance of all claims 1-12 are solicited.

Respectfully submitted,
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